

MINUTES

CHARLOTTE COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD
Administration Center, County Commission Meeting Room #119
18500 Murdock Circle, Port Charlotte, Florida 33948-1094

February 3, 2022 at 6 pm

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs, and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to David.Lyles@charlottecountyfl.gov.

A. CALL TO ORDER

Chairman Charles Hackbarth calls meeting to order at 6:00PM

B. PLEDGE OF ALLEGIANCE:

- Michael Melton made motion to amend and reinstate the Pledge of Allegiance, and to include in this meeting. Christopher Knight seconds the motion.
- Motion to include the Pledge of Allegiance at this meeting was passed unanimously

C. ROLL CALL

MEMBERS PRESENT:

Charles Hackbarth
Michael Melton
Robert Overcash
Louis Green
Christopher Knight
Patricia Aho

NOT PRESENT:

Michael Ferrara
Rick Castro

STAFF PRESENT:

Ben Bailey, Community Development Director and Building Official
Vacant, Deputy Building Official
Glinda Pruitt, Assistant County Attorney
Robert H Berntsson, Board Attorney
Shawn Horton, Code Enforcement & Zoning Manager
Gail Gursky, Supervisor, Code Compliance
Tom Atkinson, Certified Licensing Officer
Ken Garcia, Certified Licensing Officer
Maria Di Pompo, Senior Administrative Assistant and Clerk to the Board

NOT PRESENT:

Wendy Welch, Certified Licensing Officer

D. **NEXT MEETING DATE**

April 7, 2022 at 6:00 pm

E. **APPROVAL OF MINUTES**

MOTION: Christopher Knight made motioned to approve the minutes from January 6, 2022 meeting. Michael Melton seconds. Motion was passed unanimously

F. **AGENDA CHANGES**

Glinda Pruitt, Assistant County Attorney announced the changes that were stricken through in red.

G. **SWEARING IN OF ALL THOSE GIVING TESTIMONY**

Maria Di Pompo administered oath to those who gave testimony

H. **PUBLIC INPUT**

NONE

I. **EXAMINATION**

NONE

J. **LICENSE REVIEW**

NONE

K. **CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES**

All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If discussion is desired by a member of the Board, that item(s) will be removed from the Consent Agenda and considered separately. **Each case has been assessed with an additional \$20.00 for the cost of recording the lien.**

	Name	CIT No.	Case #	Amount	Officer Name	
1	Jose Ortiz	6000	CIL-21-00524	\$1,000	Ken Garcia	Lien Assessed
2	Julian G Hernandez	6001	CIL-21-00522	\$1,000	Ken Garcia	Lien Assessed
3	Curtis Diller	5968	CIL-21-00510	\$1,000	Ken Garcia	Lien Assessed
4	Kevin M Flett	5972	CIL-21-00530	\$1,000	Ken Garcia	Lien Assessed
5	Kevin M Flett	5974	CIL-21-00531	\$1,000	Ken Garcia	Lien Assessed
6	Kevin M Flett	5976	CIL-21-00532	\$1,000	Ken Garcia	Lien Assessed

MOTION: Michael Melton motioned to accept the fines as stated in the Affidavit of Non-Compliance. Robert Overcash seconds. Motion was passed unanimously.

L. **CONTESTING CITATIONS**

None

M. REINSTATEMENT

**RONALD E SCRIBNER JR
SCRIBBS ALUMINUM ENCLOSURE LLC
F.K.A. SCRIBNER CONTRACTING OF SOUTH FLORIDA INC
CERTIFIED RESIDENTIAL CONTRACTOR
LICENSE NO. CRC1328423**

Tom Atkinson

MOTION by Michael Melton to accept submittal from Mr. Scribner and evidence presented from county staff. Seconded by Christopher Knight. Passed Unanimously.

MOTION by Robert Overcash to close down Public Portion. Seconded by Christopher Knight. Passed Unanimously.

MOTION: by Michael Melton to accept the staff's recommendation permitting privileges to work temporarily in Charlotte County allowing only the expired permits in CIL-21-00523 be renewed one time within 30 days. Seconded by Christopher knight. Passed Unanimously.

Motion upheld. See Appendix N.1 and N.2 RESPONDENT COMPOSITE EXHIBIT "N"

N. OLD BUSINESS - NONE

O. DISCIPLINE CASES

1. **TIMOTHY J VAN HOUTEN
Metal Tech Roofing LLC
Certified Roofing Contractor
Tracking # 7020 0640 0000 1956 9364
License No. CCC1330522
CIL-19-00559**

Ken Garcia

MOTION by Robert Overcash to accept the report, evidence and exhibits submitted and the staff's recommendation. Seconded by Michael Melton. Passed unanimously.

It is ordered that a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Construction Industry Licensing Board (FCILB) with the recommendation the FCILB order Mr. Van Houten to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if Mr. Van Houten fails to comply, the FCILB order the State Certified Roofing Contractor's License of Mr. Van Houten be revoked by the Florida Construction Industry Licensing Board.

MOTION by Christopher Knight to uphold staff's recommendation. Seconded by Michael Melton. Passed unanimously.

2. **NIGEL P NOEL
JNL Home Services LLC
Certified Air Conditioning Contractor
Tracking # 7020 0640 0000 1956 9371
License No. CAC1818517
CASE NO. CIL-20-00602**

Tom Atkinson

MOTION: by Patricia Aho to accept the report, evidence and exhibits submitted and the staff's recommendation. Seconded by Michael Melton. Passed unanimously.

MOTION: Made by Patricia Aho to accept the additional information submitted and the staff's recommendation. Seconded by Robert Overcash. Passed unanimously.

It is ordered that a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Construction Industry Licensing Board (FCILB) with the recommendation the FCILB order Mr. Noel's to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if Mr. Noel's fails to comply, the FCILB order the State Certified Air Conditioning Contractor License of Mr. Noel's **be revoked** by the Florida Construction Industry Licensing Board.

MOTION: Made by Robert Overcash to uphold the staff's recommendation that Mr. Noel's permitting privileges and right to work as a contractor in Charlotte County be **revoked**. Seconded by Michael Meltons. Passed unanimously.

Motion Upheld: Please See Appendix P.1 and P.2

P. REPORT FROM THE LICENSING MANAGER

Shawn Horton: Acting Licensing Manager reported that things are going well.

- Brief discussion on question posed by Charles Hackbarth.
- Ben Baily clarified process which has been in place and changed 6 years ago.

Q. REPORT FROM THE BUILDING DEPARTMENT

- Ben Bailey reported SFR permits for January 2022 we had were #381 Single Family Houses.
- Mentioned open positions
- Deputy Building position filled and expected to be present next month

R. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Glinda Pruitt nothing to report except that she is being reassigned

S. BOARD ATTORNEY COMMENTS

Robert Berntsson has nothing to report

T. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

Opening Statement

- Robet Overcash brought up Item OPENING STATEMENT
- Micheal Melton understood that it was going to be trimmed down
- Brief discussion on **Opening Statement**

MOTION: Patricia Aho moves to shorten opening statement only to bullets 1-5 and that all the other items thereafter be deleted from the opening statement. Christopher Knight Seconds **MOTION**. All in favor, motion carries.

2nd MOTION: Patricia Aho makes a motion to accept the shortened opening statement as part of the agenda. Robert Overcash Seconds **MOTION**. All in favor, motion passes unanimously.

Please See Appendix D.2: Revised Opening Statement.

- Chairman Charles Hackbarth announces this is his last meeting 2/22/2022 last day serving on the Board.
- Michael Melton, previous Vice Chair is now new Chair

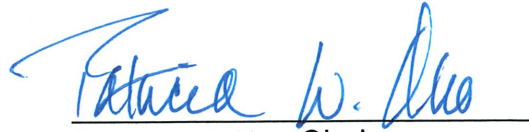
MOTION for Vice Chair nominations: Micheal Melton nominates Robert Overcash as interim Vice Chair. Christopher Knight Seconds. **MOTION** was passed unanimously.

U. ADJOURNMENT

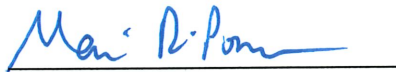
Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Michael Melton made the motion to adjourn and Robert Overcash seconds the motion. Motion was passed unanimously at 6:59 pm.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF February 3, 2022
READ AND APPROVED ON April 7, 2022


Patricia W. Aho, Chairman

ATTEST:



Maria Di Pompo
Sr. Administrative Assistant
Community Development Department
Code Enforcement and Contractor Licensing Division

Complete files of all cases, as well as taped recordings of all proceedings of this meeting, are kept in the Community Development Department and are available to the public.

Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Appendix D.1 & D.2

D.1 OPENING STATEMENT: Outdated Opening Statement

All information outlined therein is for the benefit of the Board. This statement is not necessary or relevant to the proceedings themselves

OPENING STATEMENT

Good evening.

- This is the regular monthly meeting of Charlotte County Construction Industry Licensing Board.
- We are the Board of Examiners for licensing construction contractors within the County for various types
- of contractor licenses, Responsible for conducting hearings to determine the validity of violations alleged by the County, and for disciplining contractors found in -violation.
- There is a set agenda set for each meeting and no interruptions are permitted.
- Any person speaking out of turn, interrupting, or otherwise disrupting the meeting will be considered Out of Order, and will be removed from the meeting.
- This is a quasi-judicial hearing and subject to the Florida Sunshine Act.
 - o All persons giving testimony must be sworn; and
 - o Board Members must not discuss with each other any matter which comes before them, or visit any site relevant to a matter before them with another Board Member, unless such discussion or site visit occurs at a hearing advertised and open to the public.
- Only persons whose property is a part of the County's disciplinary case may testify in a hearing. Absent direction from the Board, testimony shall be limited to 5 minutes.

Disclosures

- Before hearing any matter, Board Members must disclose whether they have had any contact, orally or in writing, with any person who has an interest in a matter before the Board.
- A Board Member must recuse himself or herself from voting on any matter in which they have a personal interest.
- A Board Member with personal knowledge concerning a case, should advise both sides of that knowledge and allow each side to address that concern.
- If any Board Member needs to make such disclosures, please do so now.

Appendix D.2 - OPENING STATEMENT: Revised and Approved to retain in agenda

OPENING STATEMENT

Good evening.

- This is the regular monthly meeting of Charlotte County Construction Industry Licensing Board.
- We are the Board of Examiners for licensing construction contractors within the County for various types of contractor licenses.
- Responsible for conducting hearings to determine the validity of violations alleged by the County, and for disciplining contractors found in violation.
- There is a set agenda set for each meeting and no interruptions are permitted.
- Any person speaking out of turn, interrupting, or otherwise disrupting the meeting will be considered Out of Order, and will be removed from the meeting.

Appendix N.1 REINSTATEMENT:

RONALD E SCRIBNER JR
SCRIBBS ALUMINUM ENCLOSURE LLC
F.K.A. SCRIBNER CONTRACTING OF SOUTH FLORIDA INC
CERTIFIED RESIDENTIAL CONTRACTOR
LICENSE NO. CRC1328423

Tom Atkinson

1. **RONALD E SCRIBNER JR**

- Mr. RONALD E SCRIBNER JR was not present to provide testimony to the Construction Industry Licensing Board.
- Licensing investigator Tom Atkinson provided testimony to CILB.

The Respondent was charged with the following:

The request of **RONALD E. SCRIBNER** to have his permitting privileges and the right to work be temporarily reinstated in Charlotte County allowing only the expired permits in **CIL-21-00523** be renewed one time within 30 days, as well as obtaining final inspections prior to the permit's expiration dates. Upon completion of this order Mr. Scribner will be required to request an appearance before the Construction Industry Licensing Board to ask for his permitting privileges in Charlotte County be reinstated.

- Mr. Scribner submitted RESPONDENT COMPOSITE EXHIBIT "N".
See Appendix N.2

CILB asked questions to clarify order.

- CILB motions to accept submittal from Mr. Scribner and evidence presented from county staff.

Appendix N.2 RESPONDENT COMPOSITE EXHIBIT "N"



Ron DeSantis, Governor

Julie I. Brown, Secretary



STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE RESIDENTIAL CONTRACTOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

SCRIBNER, RONALD EDWARD JR

SCRIBBS ALUMINUM ENCLOSURE LLC
6640 TAYLOR RD UNIT B 104
PUNTA GORDA FL 33950

LICENSE NUMBER: CRC1328423


EXPIRATION DATE: AUGUST 31, 2022

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/07/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. IF SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lamasra Insurance & Financial Services, Inc. 1690 El Jobean Road Ste 1 Port Charlotte FL 33948	CONTACT JAMES PHONE (841) 206-0033 FAX (841) 206-0036 EMAIL: certs@lamarinsurance.com
-------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------

INSURED Scribbs Aluminum Enclosure LLC 6640 Taylor Rd Unit 104 Punta Gorda FL 33950	INSURER(S) AFFORDING COVERAGE <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>INSURER A: Heritage Insurance Company</td> <td>NAIC # 14407</td> </tr> <tr> <td>INSURER B: Technology Insurance Company</td> <td>42376</td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER A: Heritage Insurance Company	NAIC # 14407	INSURER B: Technology Insurance Company	42376	INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER A: Heritage Insurance Company	NAIC # 14407												
INSURER B: Technology Insurance Company	42376												
INSURER C:													
INSURER D:													
INSURER E:													
INSURER F:													

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

LINE	TYPE OF INSURANCE	ADD. SUBR. (INITIALS)	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY		HCR016641-1	08/18/2021	08/18/2022	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (if not exempt) \$ 300,000
						MED EXP (for one person) \$ 10,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO <input type="checkbox"/> LOC OTHER:					PRODUCTS - COMP/OP AGG \$ 2,000,000
	MOTOR VEHICLE LIABILITY					COMBINED SINGLE LIMIT (if accident)
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> SCHEDULED					BODILY INJURY (for person) \$
	<input type="checkbox"/> OWNED <input type="checkbox"/> AUTOS					BODILY INJURY (for accident)
	<input type="checkbox"/> HIRE <input type="checkbox"/> NON-OWNED					PROPERTY DAMAGE (for accident)
	<input type="checkbox"/> AUTOS ONLY					
	UMBRELLA LIAB					EACH OCCURRENCE \$
	EXCESS LIAB					AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					
B	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED? (mandatory in FL)	Y	TWC4023830	09/13/2021	09/13/2022	<input checked="" type="checkbox"/> PER <input type="checkbox"/> OWL
	DESCRIPTION OF OPERATIONS below	N/A				EL EACH ACCIDENT \$ 500,000
						EL DISEASE - EA EMPLOYEE \$ 500,000
						EL DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)


Sheet Metal Work - Installation & Drivers- Contractor.
Pool Cage and Screened Enclosure Construction, Maintenance, & Repairs.

CERTIFICATE HOLDER

Charlotte County Building Construction Services
Licensing Division
18400 Murdock Circle
Port Charlotte, FL 33948
Phone: (841)743-1201
Fax: (841)764-4907

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE  <DA>

© 1988-2016 ACORD CORPORATION. All rights reserved.

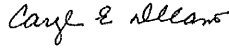
Information to identify the case:			
Debtor 1	Ronald Edward Scribner Jr.		Social Security number or ITIN xxx-xx-8128
	First Name	Middle Name	Last Name
Debtor 2			EIN
(Spouse, if filing)	First Name	Middle Name	Last Name
			Social Security number or ITIN
			EIN
United States Bankruptcy Court Middle District of Florida			
Case number: 2:21-bk-00151-FMD			

Order of Discharge

12/15

IT IS ORDERED: A discharge under 11 U.S.C. § 727 is granted to:

Ronald Edward Scribner Jr.
aka Ron Scribner Jr., aka Ronnie Scribner, aka
Ronald E Scribner



Dated: May 25, 2021

Caryl E. Delano
United States Bankruptcy Judge

Explanation of Bankruptcy Discharge in a Chapter 7 Case

This order does not close or dismiss the case, and it does not determine how much money, if any, the trustee will pay creditors.

Creditors cannot collect discharged debts

This order means that no one may make any attempt to collect a discharged debt from the debtors personally. For example, creditors cannot sue, garnish wages, assert a deficiency, or otherwise try to collect from the debtors personally on discharged debts. Creditors cannot contact the debtors by mail, phone, or otherwise in any attempt to collect the debt personally. Creditors who violate this order can be required to pay debtors damages and attorney's fees.

However, a creditor with a lien may enforce a claim against the debtors' property subject to that lien unless the lien was avoided or eliminated. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

This order does not prevent debtors from paying any debt voluntarily or from paying reaffirmed debts according to the reaffirmation agreement. 11 U.S.C. § 524(c), (f).

Most debts are discharged

Most debts are covered by the discharge, but not all. Generally, a discharge removes the debtors' personal liability for debts owed before the debtors' bankruptcy case was filed.

Also, if this case began under a different chapter of the Bankruptcy Code and was later converted to chapter 7, debts owed before the conversion are discharged.

In a case involving community property, special rules protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.

For more information, see page 2 >

Official Form 318

Order of Discharge

page 1

Some debts are not discharged
Examples of debts that are not discharged are:

- ◆ debts that are domestic support obligations;
- ◆ debts for most student loans;
- ◆ debts for most taxes;
- ◆ debts that the bankruptcy court has decided or will decide are not discharged in this bankruptcy case;
- ◆ debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- ◆ some debts which the debtors did not properly list;
- ◆ debts for certain types of loans owed to pension, profit sharing, stock bonus, or retirement plans; and
- ◆ debts for death or personal injury caused by operating a vehicle while intoxicated.

Also, debts covered by a valid reaffirmation agreement are not discharged.

In addition, this discharge does not stop creditors from collecting from anyone else who is also liable on the debt, such as an insurance company or a person who cosigned or guaranteed a loan.

This information is only a general summary of the bankruptcy discharge; some exceptions exist. Because the law is complicated, you should consult an attorney to determine the exact effect of the discharge in this case.

Official Form 318

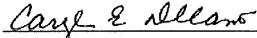
Order of Discharge

page 2

[Declose] [Order Closing]

ORDERED.

Dated: April 30, 2021


Carl E. Delano
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION
www.flmb.uscourts.gov

In re:

Case No.
2:21-bk-00152-FMD
Chapter 7

Scribner Contracting of South Florida, Inc.

Debtor* /

ORDER APPROVING ACCOUNT, DISCHARGING TRUSTEE, CANCELING BOND, AND CLOSING ESTATE

The Court finds that the Trustee in the above-captioned case has completed all disbursements, if any, as required, has rendered a full and complete account thereof, and has performed all duties required for the administration of this estate. Accordingly, it is

ORDERED:

1. The account of the Trustee is approved and allowed, the estate is fully administered, and the estate is closed.
2. The Trustee is discharged from and relieved of the trust, the bond of the Trustee is canceled, and the surety or sureties thereon are released from further liability thereunder, except any liability which may have accrued during the time such bond was in effect.
3. All motions/objections/applications that have not been resolved are denied as moot.
4. The Clerk shall dispose of any exhibits left unclaimed in any matter or proceeding unless notified by the appropriate party within 30 days.

*All references to "Debtor" shall include and refer to both the debtors in a case filed jointly by two individuals.

Appendix P.1 and P.2: DISCIPLINE CASES

Appendix P.1: DISCIPLINE CASES

1. TIMOTHY J VAN HOUTEN

Ken Garcia

Metal Tech Roofing LLC

Certified Roofing Contractor

Tracking # 7020 0640 0000 1956 9364

License No. CCC1330522

TIMOTHY J VAN HOUTEN: Not Present

- Mr. Van Houten was not present to provide testimony to the Construction Industry Licensing Board.
- Licensing investigator Ken Garcia provided testimony to CILB.

The Respondent was charged with the following:

CHARGE 1: Florida Building Codes 110.3 and 110.5, adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. Additionally, it shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code (1 count).

CHARGE 2: Charlotte County Code 3 2 47 (b)(4) - Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3 2, chapter 3 9, any provisions of any code adopted pursuant to this chapter, or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455 (1 count).

CHARGE 3: Charlotte County Code 3 2 47 (b)(20) Failing to obtain inspections including but not limited to final inspections (1 count).

Upon consideration, it is **ORDERED**:

1. The allegations of fact set forth in the Notice of Violation are approved and adopted and incorporated herein by reference as findings of fact.
2. The conclusions of law alleged and set forth in the Notice of Violation are approved and adopted and incorporated herein.

UPON THESE FINDINGS, it is **FURTHER ORDERED**:

That Mr. Timothy J Van Houten's permitting privileges and right to work as a contractor in Charlotte County be **revoked**.

It is further recommended that a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Construction Industry Licensing Board (FCILB) with the recommendation the FCILB order Mr. Van Houten to renew the permit in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if Mr. Van Houten fails to comply, the FCILB order the State Certified Roofing Contractor's License of Mr. Van Houten be revoked by the Florida Construction Industry Licensing Board.

In accordance with Florida Statutes, Chapter 489.131(7)(c)(d), & (e), the disciplined contractor, the complainant, or the Department of Business and Professional Regulation may challenge the local jurisdiction enforcement body's recommended penalty for Board action to the State Construction Industry Licensing Board. A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the State Construction Industry Licensing Board in Tallahassee, Florida.

MOTION: Robert Overcash made a motion to accept the report, evidence and exhibits submitted and the staff's recommendation. Michael Melton Seconds **MOTION**. All in favor, motion carries.

It is ordered that a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Construction Industry Licensing Board (FCILB) with the recommendation the FCILB order Mr. Van Houten to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if Mr. Van Houten fails to comply, the FCILB order the State Certified Roofing Contractor's License of Mr. Van Houten be revoked by the Florida Construction Industry Licensing Board.

MOTION: Christopher Knight made a motion to uphold staff's recommendation. Michael Melton Seconds **MOTION.** All in favor, motion carries.

Appendix P.2: DISCIPLINE CASES

2. NIGEL P NOEL

Tom Atkinson

JNL Home Services LLC

Certified Air Conditioning Contractor

Tracking # 7020 0640 0000 1956 9371

License No. CAC1818517

CASE NO. CIL-20-00602

NIGEL P NOEL: Not Present

Mr. Noel was not present to provide testimony to the Construction Industry Licensing Board. Licensing investigator Tom Atkinson provided testimony to CILB.

The Respondent was charged with the following:

CHARGE 1: Florida Building Codes 110.3 and 110.5, adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. Additionally, it shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code (1 count).

CHARGE 2: Charlotte County Code 3 2 47 (b)(4) - Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3 2, chapter 3 9, any provisions of any code adopted pursuant to this chapter, or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455 (1 count).

CHARGE 3: Charlotte County Code 3 2 47 (b)(20) Failing to obtain inspections including but not limited to final inspections (1 count).

Upon consideration, it is **ORDERED:**

1. The allegations of fact set forth in the Notice of Violation are approved and adopted and incorporated herein by reference as findings of fact.
2. The conclusions of law alleged and set forth in the Notice of Violation are approved and adopted and incorporated herein.

UPON THESE FINDINGS, it is **FURTHER ORDERED:**

That Mr. Noel's permitting privileges and right to work as a contractor in Charlotte County be **revoked**.

It is further recommended that a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Construction Industry Licensing Board (FCILB) with the recommendation the FCILB order Mr. Noel to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if Mr. Noel fails to comply, the FCILB order the State Certified Air Conditioning Contractor's License of Mr. Noel be revoked by the Florida Construction Industry Licensing Board.

In accordance with Florida Statutes, Chapter 489.131(7)(c)(d), & (e), the disciplined contractor, the complainant, or the Department of Business and Professional Regulation may challenge the local jurisdiction enforcement body's recommended penalty for Board action to the State Construction Industry Licensing Board. A challenge shall be filed within sixty (60) days of the issuance of the recommended penalty to the State Construction Industry Licensing Board in Tallahassee, Florida.

MOTION: Made by Patricia Aho to accept the report, evidence and exhibits submitted and the staff's recommendation. Michael Melton Seconds **MOTION**. All in favor, motion carries.

MOTION: Made by Patricia Aho to accept the additional information submitted and the staff's recommendation. Robert Overcash Seconds **MOTION**. All in favor, motion carries.

It is ordered that a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Construction Industry Licensing Board (FCILB) with the recommendation the FCILB order Mr. Noel's to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if Mr. Noel's fails to comply, the FCILB order the State Certified Air Conditioning Contractor License of Mr. Noel's **be revoked** by the Florida Construction Industry Licensing Board.

MOTION: Made by Robert Overcash to uphold the staff's recommendation that Mr. Noel's permitting privileges and right to work as a contractor in Charlotte County be **revoked**. Michael Meltons Seconds **MOTION**. All in favor, motion carries.

February 3, 2022

PLEASE PRINT

<p>Name <u>Julie Zittlow, RPR</u> <u>Court Reporter</u> Address <u>Guardian Reporting</u> <u>122 Nesbit St.</u> <u>Punta Gorda 33950</u></p>	<p>Name <u>Ken & Barbara</u> Address <u>1600 W. MARION AVE</u> <u>Punta Gorda FL</u> <u>33955</u></p>
<p>Name _____</p> <p>Address _____</p>	<p>Name _____</p> <p>Address _____</p>
<p>Guardian Reporting</p> <p>A Division of FMCR <small>FLORIDA MEDIA COURT REPORTERS</small></p> <p>Julie D. Zittlow, RPR, CSR, FPR Court Reporter</p> <p>2 Nesbit Street Apt 113 Punta Gorda, FL 33950</p> <p>(941) 575-9533 depo@guardianreporting.com fmreporting.com</p> <p>"Serving All of Southwest Florida"</p>	<p>Name _____</p> <p>Address _____</p>
<p>Name _____</p> <p>Address _____</p>	<p>Name _____</p> <p>Address _____</p>
<p>Name _____</p> <p>Address _____</p>	<p>Name _____</p> <p>Address _____</p>
<p>Name _____</p> <p>Address _____</p>	<p>Name _____</p> <p>Address _____</p>